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- **Source:**
IRB - Immigration and Refugee Board of Canada
- **Title:**
Djibouti: Forced marriage, including the frequency; the consequences of refusing such a marriage, including for the parents of minors whom their grandparents want to marry by force; recourse available to parents; state protection available (2015-April 2017) [DJI105797.FE]
- **Publication date:**
18 May 2017
- **ecoi.net summary:** Query response on forced marriage (2015 - April 2017) (frequency and cultural context; consequences of refusal for young girl and her parents; legislation and state protection; services for victims of forced marriages) [ID 343259]
- **Countries:**
Djibouti
- **Original link** <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=457073&pls=1>

Recommended citation:

IRB - Immigration and Refugee Board of Canada: Djibouti: Forced marriage, including the frequency; the consequences of refusing such a marriage, including for the parents of minors whom their grandparents want to marry by force; recourse available to parents; state protection available (2015-April 2017) [DJI105797.FE], 18 May 2017 (available at ecoi.net)

http://www.ecoi.net/local_link/343259/474145_en.html (accessed 29 November 2017)



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Djibouti: Forced marriage, including the frequency; the consequences of refusing such a marriage, including for the parents of minors whom their grandparents want to marry by force; recourse available to parents; state protection available (2015-April 2017) [DJI105797.FE]

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1. Frequency and Cultural Context of Early or Forced Marriages

Country Reports on Human Rights Practices for 2016 of the United States (US) Department of State indicates that, in Djibouti, early marriages occasionally occur in rural areas, where it is considered a traditional practice rather than a problem (US 3 Mar. 2017). According to UN Women, the United Nations entity for [UN English version] “gender equality and the empowerment of women” (UN n.d.a), early marriage is considered forced marriage because a minor (anyone under the age of 18 years) [UN English version] “is not capable of giving her valid consent to enter into marriage” (UN n.d.b).

During a telephone interview with the Research Directorate, a representative of the Association of Women of Tadjourah (Association des femmes de Tadjourah, AFT), an association established in Djibouti to improve the living conditions of the inhabitants of the Tadjourah region, including through fighting female genital mutilation and [translation] “all forms of violence against women” (AFT n.d.), stated that forced marriage is a problem affecting “the backcountry, where the state has less power and influence” (AFT 12 Apr. 2017). Similarly, a report published in 2014 by the Ministry for the Promotion of Women and Family Planning states that [translation] “forced marriages ... are very prevalent especially in the rural areas” (Djibouti July 2014, 34). In correspondence sent to the Research Directorate, a representative of the Djiboutian Observatory for the Promotion of Democracy and Human Rights (Observatoire djiboutien pour la promotion de la démocratie et des droits humains, ODDH), a local association created by civil servants (US 3 Mar. 2017), stated that forced marriages are becoming increasingly rare because people are leaving rural areas to settle in cities (ODDH 26 Apr. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The AFT representative stated that forced marriage is a traditional practice that is [translation] “also present” in the Afar community (AFT 12 Apr. 2017). In correspondence sent to the Research Directorate, a representative of the Djiboutian League for Human Rights (Ligue djiboutienne des droits humains, LDDH), an

NGO in Djibouti that aims to protect and promote human rights in the country, stated that, to his knowledge, in the Afar community, [translation] “young girls are promised upon their birth to a member of their maternal family” (representative 14 Apr. 2017).

The AFT representative stated the following about forced marriages in the Afar community:

[translation]

They are marriage traditions between tribes. When a man cannot find a wife (because of his age or a lack of money), he can ask his female cousin to give him one of her daughters in marriage. His cousin must accept. The girl then moves from her father’s tribe to marry in her mother’s tribe. (AFT 12 Apr. 2017)

According to the same source, aside from her parents, a young girl or a woman may be forced to marry [translation] “by her tribe, her uncles [or] her brothers” (AFT 12 Apr. 2017). The same source stated that if the father refuses the marriage of his daughter, the mother’s tribe may force the marriage (AFT 12 Apr. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Without providing further details, the LDDH representative stated that forced marriages are also present in the Somali community (representative 14 Apr. 2017).

2. Consequence of a Refusal for the Young Girl and her Parents

According to the AFT representative, if the parents oppose the marriage of their minor girl, her maternal grandfather may force her to marry (AFT 12 Apr. 2017). The same source stated that [translation] “if the parents oppose the marriage, the maternal grandfather (mother’s father) will hold a forum where he will discuss with the tribe until the marriage is accepted” (AFT 12 Apr. 2017). According to the same source, if the parents continue to refuse the marriage of their minor daughter, the maternal grandfather will [translation] “curse” his daughter, that is, the mother of the minor, and the mother’s tribe will cut all ties with the mother (AFT 12 Apr. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the LDDH representative, parents who support their daughter’s refusal to marry would be [translation] “quarantined” (representative 14 Apr. 2017). The same source stated that the young girl or the woman who opposes a forced marriage is exposed to [translation] “society’s rejection” (representative 14 Apr. 2017). The ODDH representative stated that she may be subjected to [translation] “disruption in her education, pressures, harassment and manipulation” (ODDH 14 Apr. 2017).

Furthermore, according to the AFT representative, because of a lack of education, women subjected to forced marriage are not aware of the procedures enabling them to file a complaint and avoid the marriage (AFT 12 Apr. 2017).

3. Legislation and State Protection

Djibouti’s Family Code (*Code de la Famille*), adopted in 2002, states the following about marriage:

[translation]

Article 7

In the Republic of Djibouti, marriage is carried out before the *Al Ma’doun Al Char-i* in the presence of two honourable witnesses.

The status and responsibilities of the *Al Ma’doun Al Char-i* will be set out by legislation.

Marriage of Djiboutians abroad is celebrated before diplomatic or consular officers or according to local legislation.

Marriage shall be established only with the consent of the two spouses and the woman’s guardian.

The presence of two honourable witnesses and the fixing of the dowry to the woman’s benefit are required for the marriage to be valid.

Article 13

The two future spouses must not be in one of the unfavourable situations set out by legislation.

The future spouses must be over 18 years old to enter into marriage.

Article 14

Marriage of minors who have not reached the legal age of majority is subject to the consent of their guardians.

If the guardians refuse and the two future spouses persist, the marriage is authorized by the judge.

Article 16

The father or his delegate, the grandfather or his delegate provide consent to the marriage of the minor child, whether he is male or female, in compliance with the provisions of article 14. (Djibouti 2002)

With respect to state protection provided to women who refuse a forced marriage, the AFT representative stated the following: [translation] “the state does not have much power in the regions where these traditions still exist. There is no possible state protection” (AFT 12 Apr. 2017). Similarly, the LDDH representative stated that [translation] “the state does not interfere in this type of matter, and therefore there is a complete lack of state protection” (representative 14 Apr. 2017). The ODDH representative stated that the text of the Family Code provides protection to women, but in practice, the legislative framework is not applied (ODDH 26 Apr. 2017).

Information on the recourse available for parents of minors whom their grandparents want to marry by force could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Other Initiatives and Services Provided to Victims of Forced Marriages

The Djiboutian daily *La Nation* states that during a conference co-organized by the Pan-African Parliament (PAP) and the United Nations Population Fund (UNFPA) on 29 and 30 July 2016, two Djiboutian parliamentarians stated that they wanted to see the practice of forced marriage eliminated from Africa (*La Nation* 3 Aug. 2016). *Country Reports 2016* states that the Ministry for the Promotion of Women and Family Planning worked with women’s groups to protect the rights of girls, including “the right to decide when and whom to marry” (US 3 Mar. 2017).

According to *La Nation*, the National Union of Djiboutian Women (Union nationale des femmes de Djibouti, UNFD) [an NGO that has existed since 1977 (UNFD n.d.a) and that focusses on helping Djiboutian women be citizens and full-fledged socio-economic and political actors in their country (UNFD n.d.b)], has administered since 2014 [translation] “a community program to promote and protect human rights,” called “Salam,” established in 2008 “under the leadership of the Ministry for the Promotion of Women” (*La Nation* 29 Nov. 2015). It is a program that covers many areas [translation] “from health to education, ... and prioritizes the protection of children from all kinds of violence; in particular, it fosters eliminating all kinds of excision, ... and fights early marriage” (*La Nation* 29 Nov. 2015). Additional information on the activities of the “Salam” program against forced marriage could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the website of the UNFD, in the city of Djibouti, a listening, information and guidance service (Cellule d’écoute, d’information et d’orientation) was implemented in 2007 that provides a [translation] “secure place where women victims of violence of all kinds can open up and seek assistance or protection” (UNFD n.d.c). According to the report of the Ministry for the Promotion of Women and Family Planning, the listening, information and guidance service processed six cases of forced marriage in 2013 (Djibouti July 2014, 42). Additional information on the activities of the listening, information and guidance service concerning forced marriages could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Internet sites, including: Africa Newsroom; African Arguments; Africatime.com; Afrik.com; afrol News; Ali Sabieh - Conseil régional; Alkarama Foundation; Amnesty International; Association des femmes de Tadjourah; Banque mondiale; Centre for Civil and Political Rights; Centre d'études et de recherche de Djibouti; Djibouti – Direction de la statistique et des études démographiques, Ministère de la Femme et de la Famille, Ministère de la Justice, Ministère des Affaires, de la Culture et des Biens waqfs; ecoi.net; Factiva; Femmes Africa solidarité; Femmes sous lois musulmanes; Girls not Brides; *The Guardian*; Humanium; Human Rights Watch; *Jeune Afrique*; Libre Afrique; *Le Monde*; Radio France internationale; Solidarité féminine Djibouti; Strategic Initiative for Women in the Horn of Africa; United Nations – Committee on the Elimination of Discrimination Against Women, Refworld, UN Women, UNDP, UNICEF; Université de Djibouti; La Voix de Djibouti.